

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**Before the Board of Patent Appeals and Interferences**

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Ex Parte: Charles R. Barker, Jr. et al  
Application Number: 09/929,032  
Filing Date: August 15, 2001  
Title: SYSTEM AND METHOD FOR PROVIDING AN  
ADDRESSING AND PROXY SCHEME FOR  
FACILITATING MOBILITY OF WIRELESS NODES  
BETWEEN WIRED ACCESS POINTS ON A CORE  
NETWORK OF A COMMUNICATIONS NETWORK  
Confirmation No. 1879  
Art Unit: 2616  
Examiner: Pham, Brenda H.

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**BRIEF ON BEHALF OF APPELLANTS UNDER 37 CFR 41.37**

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**I. REAL PARTY IN INTEREST**

The names of the real parties in interest for purposes of this appeal is MeshNetworks, Inc., a Delaware corporation, the assignee of record and Motorola, Inc. a Delaware corporation.

**II. RELATED APPEALS AND INTERFERENCES**

There are no other appeals or interferences known to the Applicant, the Applicant's legal representative, or assignee which would directly affect or be directly affected by or have a bearing on the Board's decision in this pending appeal.

**III. STATUS OF CLAIMS**

Claims 1, 2, 5-6, 10, 11, 17-18, 21, 25-27, 32-33, 36, and 40-42 remain in the application. Claims 3, 4, 7-9, 12-16, 19-20, 22-24, 28-31, 34-35, 37-39, and 43-46 were canceled without prejudice. Claims 1, 2, 5-6, 10, 11, 17-18, 21, 25-27, 32-33, 36, and 40-42 are rejected. Claims 1, 2, 5-6, 10, 11, 17-18, 21, 25-27, 32-33, 36, and 40-42 are being appealed. Claims 1, 2, 5-6, 10, 11, 17-18, 21, 25-27, 32-33, 36, and 40-42 stand or fall together.

In a final Office Action dated November 15, 2006, the Examiner rejected Claims 1, 2, 5-6, 10, 11, 17-18, 21, 25-27, 32-33, 36, and 40-42 under 35 USC 103(a) as being unpatentable over Trompower et al (US 6,275,477) in view of Lee (US 6,535,493).

**IV. STATUS OF AMENDMENTS**

No amendments to the claims have been made subsequent to the Final Office Action mailed November 9, 2006.

**V. SUMMARY OF CLAIMED SUBJECT MATTER**

Although specification citations are inserted below in accordance with 37 C.F.R. § 41.37, these reference numerals and citations are merely examples of where support may be found in the specification for the terms used in this section of the brief. There is no intention to in any way suggest that the terms of the claims are limited to the examples in the specification. Although, as demonstrated by the reference numerals and citations below, the claims are fully

supported by the specification as required by law, it is improper under the law to read limitations from the specification into the claims. Pointing out specification support for the claim terminology, as is done here to comply with rule 41.37, does not in any way limit the scope of the claims to those examples from which they find support. Nor does this exercise provide a mechanism for circumventing the law precluding reading limitations into the claims from the specification. In short, the reference numerals and specification citations are not to be construed as claim limitations or in any way used to limit the scope of the claims.

The invention, as defined in independent Claim 1 is a communications network (100) for use with mobile wireless user terminals (118), said network (100) comprising: a packet-switched core network; a plurality of access points (104, 106 and 108) within a same broadcast network and coupled to said core network (100), each said access point (104, 106 and 108) providing any said user terminal (118) with communications access to said core network (100) when said any user terminal (118) becomes affiliated with said access point (104, 106 and 108), and including an address resolution protocol cache for storing information representative of affiliation between said user terminals (118) and said access points (104, 106 and 108), and each said access point (104, 106 and 108) including means for updating its address resolution protocol cache with an Internet protocol address of a said user terminal (118) when that said user terminal (118) becomes affiliated with said access point (104, 106 and 108), and further including means for issuing an address resolution protocol request which causes other said access points (104, 106 and 108) to update their respective address resolution protocol cache to indicate that a said user terminal (118) has changed its affiliation to said access point (104, 106 and 108); and at least one of a media server (120), DNS server (122) and an IP gateway router (124), each including a respective an address resolution protocol cache for storing information representative of affiliation between said user terminals (118) and said access points (104, 106 and 108) and is updateable based on said address resolution protocol request.

The invention, as defined in independent Claim 11 is an access point (104, 106 and 108), coupled to a communications network (100) for providing mobile wireless user terminals (118)

with communications access said network (100), said access point (104, 106 and 108) comprising: a wireless transceiver for transmitting and receiving data packets to and from a said wireless user terminal (118) affiliated with said access point (104, 106 and 108) when said user terminal (118) is participating in an ad-hoc network; an address resolution protocol cache for storing information representative of affiliation between said user terminals (118) and said access points (104, 106 and 108); and an affiliation indicator for updating the address resolution protocol cache with an Internet protocol address of a said user terminal (118) when that said user terminal (118) becomes affiliated with said access point (104, 106 and 108), and for issuing an address resolution protocol request which causes other access points (104, 106 and 108) within a same broadcast network and coupled to said communications network (100) to update their respective address resolution protocol cache to indicate that said user terminal (118) has changed its affiliation from said another access point (104, 106 and 108) to said access point (104, 106 and 108).

The invention, as defined in independent Claim 17 is a method of handling mobility of wireless user terminals (118) for use with a communications network (100) including a packet-switched core network and a plurality of access points (104, 106 and 108) coupled to said core network (100), said method comprising: providing a said user terminal (118) with communications access to said core network (100) via said access point (104, 106 and 108) when said user terminal (118) becomes affiliated with said access point (104, 106 and 108); storing information representative of affiliation between said user terminals (118) and said access points (104, 106 and 108) in a respective address resolution protocol cache of each said access point (104, 106 and 108); controlling said access point (104, 106 and 108) to update its address resolution protocol cache with an Internet protocol address of a said user terminal (118) when that said user terminal becomes affiliated with said access point (104, 106 and 108), and to issue an address resolution protocol request to indicate to the other said access points (104, 106 and 108) that said user terminal (118) has changed its affiliation from said another said access point (104, 106 and 108) to said access point (104, 106 and 108); updating respective said address resolution protocol caches of the other said access points (104, 106 and 108) within a same

broadcast network based on said address resolution protocol request to indicate said change in affiliation of said user terminal (118); and updating respective address resolution protocol caches of at least one of a media server (120), DNS server (122) and an IP gateway router (124) of said network (100) based on said address resolution protocol request.

The invention, as defined in independent Claim 26 is a method for providing mobile wireless user terminals (118) with communications access to a packet-switched network, said method comprising: controlling an access point (104, 106 and 108) on said packet-switched network to transmit and receive data packets to and from a said wireless user terminal (118) affiliated with said access point (104, 106 and 108) when said user terminal (118) is participating in an ad-hoc network; controlling said access point (104, 106 and 108) to store information representative of affiliation between said user terminals (118) and access points (104, 106 and 108) on said packet-switched network in an address resolution cache of said access point (104, 106 and 108); controlling said access point (104, 106 and 108) to update its address resolution protocol cache with an Internet protocol address of a said user terminal (118) when that said user terminal (118) becomes affiliated with said access point (104, 106 and 108), and to issue an address resolution protocol request to indicate to other said access points (104, 106 and 108) within a same broadcast network and coupled to said packet-switched network indicating that said user terminal (118) has changed its affiliation from said another access point (104, 106 and 108) to said access point (104, 106 and 108); and controlling said other access points (104, 106 and 108) to update their respective address resolution protocol cache based on said address resolution protocol request.

The invention, as defined in independent Claim 32 is a computer-readable medium of instructions for controlling access points (104, 106 and 108) of a communications network (100) including a packet-switched core network to handle mobility of wireless user terminals (118) for use with said communications network (100), said computer-readable medium of instructions comprising: a first set of instructions for controlling a said access point (104, 106 and 108) to provide a said user terminal (118) with communications access to said core network (100) via

said access point (104, 106 and 108) when said user terminal (118) becomes affiliated with said access point (104, 106 and 108); a second set of instructions for controlling each of said access points (104, 106 and 108) to store information representative of affiliation between said user terminals (118) and said access points (104, 106 and 108) in their respective address resolution cache; a third set of instructions for controlling said access point (104, 106 and 108) to update its address resolution protocol cache with an Internet protocol address of a said user terminal (118) when that said user terminal (118) becomes affiliated with said access point (104, 106 and 108), and to issue an address resolution protocol request to indicate to the other said access points (104, 106 and 108) within a same broadcast network that said user terminal (118) has changed its affiliation from another said access point (104, 106 and 108) to said access point (104, 106 and 108); a fourth set of instructions for updating respective said address resolution protocol caches of the other said access points (104, 106 and 108) based on said address resolution protocol request to indicate said change in affiliation of said user terminal (118); and a fifth set of instructions for controlling at least one of a media server (120), DNS server (122) and an IP gateway router (124) of said network (100) to update its respective address resolution protocol cache of based on said address resolution protocol request.

The invention, as defined in independent Claim 41 is a computer-readable medium of instructions for controlling an access point (104, 106 and 108) of a packet-switched network to provide mobile wireless user terminals (118) with communications access to said packet-switched network, said computer-readable medium of instructions comprising: a first set of instructions for controlling a said access point (104, 106 and 108) on said packet-switched network to transmit and receive data packets to and from a said wireless user terminal (118) affiliated with said access point (104, 106 and 108) when said user terminal (118) is participating in an ad-hoc network; a second set of instructions for controlling said access point (104, 106 and 108) to store information representative of affiliation between said user terminals (118) and access points (104, 106 and 108) on said packet-switched network in an address resolution protocol cache of said access point (104, 106 and 108); a third set of instructions for controlling said access point (104, 106, and 108) to update its address resolution protocol cache with an

Internet protocol address of a said user terminal (118) when that said user terminal (118) becomes affiliated with said access point (104, 106 and 108), and to issue an address resolution protocol request to indicate to other said access points (104, 106 and 108) within a same broadcast network and coupled to said packet-switched network that said user terminal (118) has changed its affiliation from another access point (104, 106 and 108) to said access point (104, 106 and 108); and a fourth set of instructions for controlling said other access points (104, 106 and 108) to update their respective address resolution cache based on said address resolution protocol request.

Accordingly, the invention as defined by Independent Claims 1, 11, 17, 26, 32, 41 include the limitation that the plurality of access points, all within the same broadcast network, update their address resolution protocol cache to reflect the affiliation of the wireless user terminal. Further, Independent Claims 1, 17, and 32 include the limitations of the system including at least one of a media server, DNS server and an IP gateway router, each including a respective an address resolution protocol cache for storing information representative of affiliation between said user terminals and said access points and is updateable based on said address resolution protocol request. These claimed features are not disclosed in the references cited in the Office Action.

**VI. GROUND OF REJECTION TO BE REVIEWED ON APPEAL**

A. Whether Claims 1, 2, 5-6, 10, 11, 17-18, 21, 25-27, 32-33, 36, and 40-42 are unpatentable under 35 USC 103(a) over Trompower et al (US 6,275,477) in view of Lee (US 6,535,493).



**VII. ARGUMENT**

**A. Claims 1, 2, 5-6, 10, 11, 17-18, 21, 25-27, 32-33, 36, and 40-42 are allowable under 35 USC 103(a) over Trompower et al (US 6,275,477) in view of Lee (US 6,535,493).**

To establish a prima facie case of obviousness, and hence to find Claims 1, 2, 5-6, 10, 11, 17-18, 21, 25-27, 32-33, 36, and 40-42 not allowable under 35 USC 103(a) over Trompower et al (US 6,275,477) in view of Lee (US 6,535,493), three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all of the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not be based upon applicant's disclosure. MPEP at § 2142.

In the present case, all three criteria for establishing a prima facie case of obviousness are not met because the teachings of Trompower et al (US 6,275,477) in view of Lee (US 6,535,493) references, taken singly or in combination, do not teach or suggest all of the claim limitations recited in the Claims 1, 2, 5-6, 10, 11, 17-18, 21, 25-27, 32-33, 36, and 40-42.

The present invention provides a system, method and computer readable medium of instructions capable of re-affiliating a mobile wireless user terminal from one access point of a network to another. Specifically, an access point with which the user terminal is becoming affiliated is capable of issuing an address resolution protocol request to update the address resolution protocol cache of the access point with which the user terminal was previously affiliated and place the IP address of the user terminal in the address resolution protocol cache of the newly affiliated access point, to therefore inform

the remaining access points of the network of this new affiliation. As can be appreciated by one skilled in the art, the use of this address resolution protocol request enables standard Internet protocol request resolution mechanisms to manage routing to the access point, and thus supports all the needed routing uptake function for the access point to enable the user terminal to remain attached to the network.

In contrast to Applicant's claimed invention, Trompower provides for mobility of proprietary devices and the mobility is only understood by the proprietary base stations. Any standards-based devices on the same network segment do not understand the mobility and thus cannot directly contact the mobile pagers. In Applicants' claimed invention, a system and method of using a standard protocol to accomplish a similar goal in a way that the standards-based devices (IP routers, servers, etc.) can maintain direct communication with the mobile devices.

Further in contrast to Applicant's claimed invention, the Lee patent teaches a data communication system having a home network and a remote network, and allows mobile units, such as mobile units 100 and 130, to affiliate with access points 102 and 104 of a home network and access points 132 and 134 of a remote network. Column 11, lines 1-40 of the Lee patent describe the use of an address resolution protocol request to enable an access point of the mobile unit's home network to act as a proxy when the mobile unit becomes registered on a foreign subnet. Applicants respectfully submit that this is completely unlike the embodiments of the present invention in which an address resolution protocol request is used to update the address resolution protocol cache of the access point with which the user terminal was previously affiliated and place the IP address of the user terminal in the address resolution protocol cache of the access point with which the user terminal is becoming affiliated. Applicants respectfully submit that in the Lee network, the access point of the home network maintains the address of the mobile unit so that access point can act as a proxy even when the mobile unit affiliates with a foreign access point.

Independent Claims 1, 11, 17, 26, 32, and 41 include the limitation that the plurality of access points are all “within the same broadcast network” update their address resolution protocol cache to reflect the affiliation of the wireless user terminal. Applicants respectfully submit that Trompower et al (US 6,275,477) in view of Lee (US 6,535,493) taken singly or in combination do not anticipate the access points being all within the same broadcast network. Specifically, in the Lee patent, the address resolution protocol is used to allow an access point to operate as a proxy of a user terminal when that user terminal moves to another subnet or, in other words, a different broadcast domain.

Independent Claims 1, 17, and 32 include the further limitations of “at least one of a media server, DNS server and an IP gateway router, each including a respective an address resolution protocol cache for storing information representative of affiliation between said user terminals and said access points and is updateable based on said address resolution protocol request.” As the examiner points out in the office action on page 4, this limitation is not taught within the Trompower reference. Further, Applicants respectfully submit that Lee does not anticipate such limitations.

Independent Claims 11, 26, and 41 include the further limitations that the wireless transceiver of the access point transmits and receives data packets to and from a wireless user terminal affiliated with the access point “when said user terminal is participating in an ad-hoc network.” Applicants respectfully submit that Trompower et al (US 6,275,477) in view of Lee (US 6,535,493) taken singly or in combination do not anticipate participation in an ad-hoc network.

Applicants submit that Claims 2, 5-6, 18, 21, 25, 27, 33, 36, 40, and 42 are allowable over the cited references based on their dependency upon Claims 1, 11, 17, 26, 32, and 41, which claims were shown to be allowable above. In addition, Applicants

submit that claims 2, 5-6, 18, 21, 25,27, 33, 36, 40, and 42 are also independently patentable because they include limitations not taught or suggested by the cited references.

Therefore, since some elements are missing from the Trompower et al (US 6,275,477) and Lee (US 6,535,493) references, a rejection of Claims 1, 2, 5-6, 10, 11, 17-18, 21, 25-27, 32-33, 36, and 40-42 under 35 U.S.C. § 103(a) over Trompower et al (US 6,275,477) in view of Lee (US 6,535,493) is improper and should be withdrawn.

For the reasons set forth above, Applicants submit that the Examiner has incorrectly rejected Claims 1, 2, 5-6, 10, 11, 17-18, 21, 25-27, 32-33, 36, and 40-42 and request that the Board withdraw the rejections.

Respectfully submitted,

Enclosures

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**VIII. CLAIMS APPENDIX**

1. A communications network for use with mobile wireless user terminals, said network comprising:

a packet-switched core network;

a plurality of access points within a same broadcast network and coupled to said core network, each said access point providing any said user terminal with communications access to said core network when said any user terminal becomes affiliated with said access point, and including an address resolution protocol cache for storing information representative of affiliation between said user terminals and said access points, and each said access point including means for updating its address resolution protocol cache with an Internet protocol address of a said user terminal when that said user terminal becomes affiliated with said access point, and further including means for issuing an address resolution protocol request which causes other said access points to update their respective address resolution protocol cache to indicate that a said user terminal has changed its affiliation to said access point; and

at least one of a media server, DNS server, and an IP gateway router, each including a respective an address resolution protocol cache for storing information representative of affiliation between said user terminals and said access points and is updateable based on said address resolution protocol request.

2. A communications network as claimed in claim 1, wherein:

said each access point issues said address resolution protocol request over said core network.

5. A communications network as claimed in claim 1, wherein:

said access point with which a said user terminal is affiliated includes a wireless transceiver for transmitting a received data packet to said user terminal via a wireless communications link.

6. A communications network as claimed in claim 1, wherein:

each said access point includes a wireless transceiver for transmitting and receiving data packets to and from a said user terminal affiliated therewith via a wireless communications link.

10. A communications network as claimed in claim 1, wherein:

each said access point provides any said user terminal with communications access to said core network when said user terminal is participating in an ad-hoc network.

11. An access point, coupled to a communications network for providing mobile wireless user terminals with communications access said network, said access point comprising:

a wireless transceiver for transmitting and receiving data packets to and from a said wireless user terminal affiliated with said access point when said user terminal is participating in an ad-hoc network;

an address resolution protocol cache for storing information representative of affiliation between said user terminals and said access points; and

an affiliation indicator for updating the address resolution protocol cache with an Internet protocol address of a said user terminal when that said user terminal becomes affiliated with said access point, and for issuing an address resolution protocol request which causes other access points within a same broadcast network and coupled to said communications network to update their respective address resolution protocol cache to indicate that said user terminal has changed its affiliation from said another access point to said access point.

17. A method of handling mobility of wireless user terminals for use with a communications network including a packet-switched core network and a plurality of access points coupled to said core network, said method comprising:

provide a said user terminal with communications access to said core network via said access point when said user terminal becomes affiliated with said access point;

storing information representative of affiliation between said user terminals and said access points in a respective address resolution protocol cache of each said access point;

controlling said access point to update its address resolution protocol cache with an Internet protocol address of a said user terminal when that said user terminal becomes affiliated with said access point, and to issue an address resolution protocol request to indicate to the other said access points that said user terminal has changed its affiliation from said another said access point to said access point;

updating respective said address resolution protocol caches of the other said access points within a same broadcast network based on said address resolution protocol request to indicate said change in affiliation of said user terminal; and

updating respective address resolution protocol caches of at least one of a media server, DNS server and an IP gateway router of said network based on said address resolution protocol request.

18. A method as claimed in claim 17, wherein:

said controlling step controls said access point to issue said address resolution protocol request over said core network.



21. A method as claimed in claim 17, further comprising:

controlling said access point with which a said user terminal is affiliated to transmit a received data packet to said user terminal via a wireless communications link.

25. A method as claimed in claim 17, wherein:

said providing step includes providing said user terminal with communications access to said core network when said user terminal is participating in an ad-hoc network.

26. A method for providing mobile wireless user terminals with communications access to a packet-switched network, said method comprising:

controlling an access point on said packet-switched network to transmit and receive data packets to and from a said wireless user terminal affiliated with said access point when said user terminal is participating in an ad-hoc network;

controlling said access point to store information representative of affiliation between said user terminals and access points on said packet-switched network in an address resolution cache of said access point;

controlling said access point to update its address resolution protocol cache with an Internet protocol address of a said user terminal when that said user terminal becomes affiliated with said access point, and to issue an address resolution protocol request to indicate to other said access points within a same broadcast network and coupled to said packet-switched network indicating that said user terminal has changed its affiliation from said another access point to said access point; and

controlling said other access points to update their respective address resolution protocol cache based on said address resolution protocol request.

27. A method as claimed in claim 26, wherein:

said third controlling step controls said access point to issue said address resolution protocol request over said packet-switched network.

32. A computer-readable medium of instructions for controlling access points of a communications network including a packet-switched core network to handle mobility of wireless user terminals for use with said communications network, said computer-readable medium of instructions comprising:

a first set of instructions for controlling a said access point to provide a said user terminal with communications access to said core network via said access point when said user terminal becomes affiliated with said access point;

a second set of instructions for controlling each of said access points to store information representative of affiliation between said user terminals and said access points in their respective address resolution cache;

a third set of instructions for controlling said access point to update its address resolution protocol cache with an Internet protocol address of a said user terminal when that said user terminal becomes affiliated with said access point, and to issue an address resolution protocol request to indicate to the other said access points within a same broadcast network that said user terminal has changed its affiliation from another said access point to said access point;

a fourth set of instructions for updating respective said address resolution protocol caches of the other said access points based on said address resolution protocol request to indicate said change in affiliation of said user terminal; and

a fifth set of instructions for controlling at least one of a media server, DNS server and an IP gateway router of said network to update its respective address resolution protocol cache of based on said address resolution protocol request.

33. A computer-readable medium of instructions as claimed in claim 32, wherein:  
said second set of instructions controls said access point to issue said address resolution protocol request over said core network.
36. A computer-readable medium of instructions as claimed in claim 32, further comprising:  
a sixth set of instructions for controlling said access point with which a said user terminal is affiliated to transmit a received data packet to said user terminal via a wireless communications link.
40. A computer-readable medium of instructions as claimed in claim 32, wherein:  
said first set of instructions controls said access point to provide said user terminal with communications access to said core network when said user terminal is participating in an ad-hoc network.

41. A computer-readable medium of instructions for controlling an access point of a packet-switched network to provide mobile wireless user terminals with communications access to said packet-switched network, said computer-readable medium of instructions comprising:

a first set of instructions for controlling a said access point on said packet-switched network to transmit and receive data packets to and from a said wireless user terminal affiliated with said access point when said user terminal is participating in an ad-hoc network;

a second set of instructions for controlling said access point to store information representative of affiliation between said user terminals and access points on said packet-switched network in an address resolution protocol cache of said access point;

a third set of instructions for controlling said access point to update its address resolution protocol cache with an Internet protocol address of a said user terminal when that said user terminal becomes affiliated with said access point, and to issue an address resolution protocol request to indicate to other said access points within a same broadcast network and coupled to said packet-switched network that said user terminal has changed its affiliation from another access point to said access point; and

a fourth set of instructions for controlling said other access points to update their respective address resolution cache based on said address resolution protocol request.

42. A computer-readable medium of instructions as claimed in claim 41, wherein:

said third set of instructions controls said access point to issue said address resolution protocol request over said packet-switched network.

**IX. EVIDENCE APPENDIX**

No evidence has been submitted pursuant to 37 C.F.R. §§ 1.130, 1.131, or 1.132, entered by the examiner and relied upon by the appellant in the appeal, or relied upon by the examiner as to grounds of rejection to be reviewed on appeal.

**X. RELATED PROCEEDINGS APPENDIX**

No decisions have been rendered by a court of the Board in any proceeding identified pursuant to paragraph (c)(1)(ii) of 37 C.F.R. § 41.37.